

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

Add Section 712
Title 14, California Code of Regulations
Re: Prohibition of Importation of Hunter-harvested Deer and Elk Carcasses

- I. Date of Initial Statement of Reasons: December 30, 2002
- II. Date of Pre-Adoption Statement of Purpose: March 1, 2003
- III. Date of Final Statement of Reasons: April 9, 2003
- IV. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: February 7, 2003
Location: Sacramento, California
 - (b) Discussion and Adoption Hearing: Date: April 4, 2003
Location: Visalia, California
- V. Update:

No modifications were made to the originally proposed language of the Initial Statement of Reasons.
- VI. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting those considerations:

A total of five (5) public comments (four letters and oral testimony from one individual at the April, 2003 Commission meeting) were received prior to the close of the comment period. Responses to these comments are included with the comments/responses attached.
- VII. Location and Index of Rulemaking File:

A rulemaking file with attached file index is maintained at:
California Fish and Game Commission
1416 Ninth Street
Sacramento, California 95814

VIII. Location of Department files:

Department of Fish and Game
1812 Ninth Street
Sacramento, California 95814

IX. Description of Reasonable Alternative to Regulatory Action:

(a) Alternatives to Regulation Change:

No reasonable alternative to the proposed provision exists.

(b) No Change Alternative:

Under the no change alternative, the emergency regulation would expire and hunters would be allowed to import deer and elk carcasses harvested in states where Chronic Wasting Disease exists. There is a potential that the importation of these carcasses or certain tissues which they contain could serve as a source to infect California's deer and elk. There is no cure for this disease; the management of this disease has required the slaughter of thousands of wild and farm-raised deer and elk in other states. The occurrence of this disease in California would have a significant impact on the deer and elk resources in this state, as well as on the thousands of hunters and businesses which depend upon them.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

X. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businessmen to Compete with Businesses in other States:

While the proposal does not eliminate the ability of California's meat-processors or taxidermists to work on imported hunter harvested deer and elk, it does establish restrictions upon which the carcasses may be imported into the State.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None.

- (c) Cost Impacts on Private Persons:

None.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

- (e) Other Nondiscretionary Costs/Savings to Local Agencies:

None.

- (f) Programs Mandated on Local Agencies or School Districts:

None.

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4:

None.

- (h) Effect on Housing Costs:

None.

Updated Informative Digest (Policy Statement Overview)

This proposed regulatory action is to add a regulation that would prevent the spreading of Chronic Wasting Disease into California's deer and elk herds by banning the importation of hunter-harvested deer and elk carcasses with exception under certain specific conditions.

Specifically, the proposed permanent regulation would permit the importation hunter-harvested deer and elk carcasses if the following conditions are met:

1. Carcass has been boned out or commercially processed and wrapped;
2. Quarters or other cuts of meat with no part of spinal column or head attached;
3. Hides with no heads attached;
4. Clean skull plates with antlers attached;
5. Antlers with no tissue attached;
6. Finished taxidermy heads;
7. Upper canine teeth (buglers, whistlers, ivories).

Section 712, Title 14, California Code of Regulations is added to read as follows:

§ 712. Restriction of Importation of Hunter-Harvested Deer and Elk Carcasses.

No hunter harvested deer or elk (cervid) carcass or parts of cervid carcass shall be imported into the State, except for the following body parts:

(a) boned-out meat and commercially processed cuts of meat.

(b) portions of meat with no part of the spinal column or head attached.

(c) hides with no heads attached.

(d) clean skull plates (no meat or tissue attached) with antlers attached.

(e) antlers with no meat or tissue attached.

(f) finished taxidermy heads.

(g) upper canine teeth (buglers, whistlers, ivories).

Authority: Fish and Game Code sections 200, 203, and 2355.

Reference: Fish and Game Code sections 200, 203, and 2355.